

BEFORE THE STATE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

DAVID L. VOTAW,
License No. CRA-163,

Respondent.

Case No. REA-L3-02A-98-023
REA-S92-02A-99-026
REA-P3-02A-99-039
REA-P3-02A-99-040
REA-L3C-02A-00-022

FINAL ORDER

THIS MATTER came on for hearing on April 12, 2004, before Alan G. Lance, Sr., the designated Hearing Officer. The State appeared in person and by its attorney of record, Kenneth F. Stringfield, Idaho Deputy Attorney General. Respondent, David L. Votaw, appeared in person and by his attorney, Wyatt B. Johnson of Angstman Law, PLLC. The parties presented witnesses, testimony, and documentary evidence. On May 14, 2004, the Hearing Officer submitted his Memorandum Decision and Recommended Order. On June 23, 2004, the Hearing Officer submitted a Schedule of Review for the Recommended Order.

This matter came before the Idaho State Board of Real Estate Appraisers at a specially scheduled meeting of the Board on August 20, 2004. The Board, having conducted an independent review of the record and having considered all evidence and arguments of counsel presented before the Hearing Officer, the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefor, the Board unanimously adopted the following Order.

FINAL ORDER - 1.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.

2. That the Respondent's conduct, as set forth in the Hearing Officer's Findings of Facts and Conclusions of Law, has violated the Stipulation and Consent Order between the parties and the Board, entered on August 18, 2004. Further, the Board retained jurisdiction under the Consent Order to address violations of the order. Finally, Respondent's conduct constitutes a violation of Idaho Code Section 54-4107(d). Pursuant to the Consent Order and Idaho Code Sections 54-4107, 67-2609(a)(6), and IDAPA 24.18.01.525, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent, David L. Votaw, as set forth in this Final Order.

3. Respondent's license shall be revoked.

4. Respondent shall pay the administrative fine and investigative costs and attorney fees in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) as previously ordered in the Stipulation and Consent Order.

5. That the Respondent pay to the Board the costs and attorney's fees incurred by the Board in the investigation and prosecution of Respondent in this proceeding in the amount of Six Thousand Fifty-Nine Dollars (\$6,059.00).

6. Respondent may apply to the Board for reinstatement of his license after one (1) year from entry of this Final Order, and upon payment of all fines, costs and fees ordered herein.

FINAL ORDER - 2.

7. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).


b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

8. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent's attorney and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 30th day of August, 2004.

STATE BOARD OF REAL ESTATE APPRAISERS

By 
Doyle Pugmire, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of August, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

David L. Votaw
P.O. Box 44371
Boise, ID 83711


☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☒ Certified Mail No. _____

T. J. Angstman
Wyatt B. Johnson
Angstman Law, PLLC
3649 Lake Harbor Lane
Boise, ID 83703

☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

Kenneth F. Stringfield
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Attorneys for the State Board of Real
Estate Appraisers

☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission
☒ STATEHOUSE MAIL


Rayola Jacobsen, Bureau Chief

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FINAL ORDER - 4.